

# EXHIBIT

# 28

## **Battles, Benjamin**

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**From:** Bowers, Todd (ATG) <ToddB@ATG.WA.GOV>  
**Sent:** Thursday, August 2, 2018 8:36 PM  
**To:** Aaron Goldstein; Abigail Wood; Al Gilbert; Andy Saindon; Bart DeLone; Beneski, Kristin (ATG); Battles, Benjamin; Cynthia Hudson; Dana Viola; Eleanor Blume; Elizabeth Wilkins; Eric Haren; Eric Tabor; Henry Kantor; Jacob Campion; Jeff Dunlap; Jennifer Thomson (jthomson@attorneygeneral.gov); Jeremy Feigenbaum; Jerry Coyne; Jimmy Rock; Joanna Lydgate; Jon Miller; Jonathan Goldman; Jones, Zach (ATG); Joseph Rubin; Diamond, Joshua; Kelli Evans; Kim Berger; Kim Massicotte; Laura Stuber; Lauren Sulcove; Mark Beckington; Matt Grove; Maura Murphy Osborne; Michael Field; Nelson Richards; Robyn Bender; Rupert, Jeffrey (ATG); Sam Towell; Scott Kaplan; Sprung, Jeff (ATG); Sripriya Narasimhan; Steven Wu; Williams, Jennah (ATG); Yael Shavit  
**Subject:** FW: State of Washington, et al. v. U.S. Department of State, et al., No. 2:18-cv-1115 (W.D. Wash.)

Apologies for those for whom this will be redundant, but resending as we've just added a number of states. Want to make sure everyone is looped in. Thx.

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**From:** Miller, Jonathan (AGO) <jonathan.miller@state.ma.us>  
**Sent:** Thursday, August 2, 2018 5:29 PM  
**To:** stuart.j.robinson@usdoj.gov  
**Cc:** Sprung, Jeff (ATG) <JeffS2@ATG.WA.GOV>; Bowers, Todd (ATG) <ToddB@ATG.WA.GOV>; Lydgate, Joanna (AGO) <joanna.lydgate@state.ma.us>; Rupert, Jeffrey (ATG) <JeffreyR2@ATG.WA.GOV>; Beneski, Kristin (ATG) <KristinB1@ATG.WA.GOV>; eric.soskin@usdoj.gov  
**Subject:** State of Washington, et al. v. U.S. Department of State, et al., No. 2:18-cv-1115 (W.D. Wash.)

Dear Stuart,

I am writing to follow up your correspondence with Washington's Assistant Attorney General Jeff Sprung dated August 2, 2018.

Following the issuance of a Temporary Restraining Order by the U.S. District Court on Tuesday, the technical data that Defense Distributed had posted on its affiliated websites following its settlement with the Department of State were removed. However, in connection with their removal from the Defense Distributed websites, these files have started to appear on numerous other websites that are easily accessible to the public.

Among the websites on which we have seen these files are: codeisfreespeech.com, fosscad.org, grabcad.com, and free3d.com, and we believe that these items have been posted in a publicly accessible DropBox file, too. Without a doubt, there are other websites that are currently hosting these files, making them available to individuals who cannot lawfully purchase or obtain a firearm in the United States. The Department of State has the authority, and we believe the obligation, to take action to ensure that these data are removed from the internet immediately.

As you know, the distribution, transfer, or offering of access to these technical materials is restricted under Category I of the United States Munitions List (USML) and the International Traffic in Arms Regulations (ITAR). This includes all CAD files or other technical instruction to manufacture three-dimensional (3D) firearms or gun-related parts (including triggers, grips, barrels, receivers, magazines, or munitions) using commercially available 3D printers or computer-numerically-controlled machines. Pursuant to Section 127.1 of ITAR, 22 C.F.R. § 127.1, it is unlawful to grant access to or otherwise disseminate technical data to manufacture or modify any USML Category I defense articles without prior

authorization from the Directorate of Defense Trade Controls. The files previously posted by Defense Distributed remain covered by the USML as a result of the District Court's Temporary Restraining Order.

We ask that the Department of State take immediate steps to ensure compliance with the Arms Export Control Act and ITAR. It is an urgent matter affecting the public safety of all Americans. By no later than 2 p.m. PDT tomorrow (Friday), please advise of what steps the Department of State has taken to address these concerns. Should you have any questions, please do not hesitate to contact me or my colleagues.

Sincerely,

Jonathan B. Miller

Chief, Public Protection and Advocacy Bureau

Office of Massachusetts Attorney General Maura Healey

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